

AO 146 (Mar. 1953)

NOTICE

United States District Court

FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

9414

United States of America

March 2 1962

v.

)
) No. 2548
)

DOCKETED

State of Louisiana, et al

MAR 6 1962

TAKE NOTICE that the Motion to DISMISS by the Deft. will be heard on March 19, 1962, in Room 245, Post Office Building, in the City of New Orleans, Louisiana at 10:00 o'clock A. M.

72-25-62
5 1962

To Robert F. Kennedy, Attorney General

A. Dallam O'Brien, Jr.

Clerk, United States District Court.

By

W.D. Sugar
Deputy Clerk.

Attorney for

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

STATE OF LOUISIANA: JIMMIE
H. DAVIS, C. C. AYCOCK, J.
THOMAS JEWEL, AS MEMBERS OF
THE BOARD OF REGISTRATION
OF THE STATE OF LOUISIANA:
AND HUGH E. CUTRER, JR.,
DIRECTOR AND EX OFFICIO
SECRETARY OF THE BOARD OF
REGISTRATION OF THE STATE
OF LOUISIANA,

Defendants.

CIVIL ACTION NO. 2548

AMENDED COMPLAINT

Filed 3/1/62

The United States of America alleges that:

1. This action is instituted by the Attorney General of the United States pursuant to the provisions of 42 U.S.C. 1971, as amended, and pursuant to 28 U.S.C. 2201.
2. This Court has jurisdiction of this action under 42 U.S.C. 1971(d), 28 U.S.C. 1345 and 28 U.S.C. 2281.

72-32-66

4	DEPARTMENT OF JUSTICE JUN 1 1962 FEDERAL BUREAU OF INVESTIGATION CIV. RIGHTS DIV. Nat. & Elect. Sec.
---	--

72-32-66

3. Jimmie H. Davis, C. C. Aycock and J. Thomas Jewel are members of the Board of Registration of the State of Louisiana by virtue of their official positions as Governor, Lieutenant Governor and Speaker of the House of Representatives of the State of Louisiana, respectively. Each of these defendants has an office in Baton Rouge, Louisiana. The Board of Registration is an agency of the defendant State of Louisiana. The office of the Board is in Baton Rouge, Louisiana.

4. Hugh E. Cutrer, Jr., is the Director and Ex Officio Secretary of the Board of Registration and in that capacity is an agent of the defendant State. His office is in Baton Rouge, Louisiana.

5. Under the Constitution and laws of Louisiana, the Board of Registration is required to prescribe by general rules and regulations the method of the administration of the voter registration laws and procedures and the character and forms of records and documents used in the registration process. The Board is authorized to remove, at will, any registrar of voters in the State of Louisiana. It is the duty of the defendant Director, Hugh E. Cutrer, Jr., who was appointed by the Board, to administer the rules and regulations of the Board, and to perform such other duties as may be directed by the Board in connection with the powers of the Board and the promotion of registration of the voters of the State.

6. The right to vote is essential to a republican form of government. It is secured by Sections 2 and 4 of Article I of the Constitution of the United States and by the Fourteenth, Fifteenth, and Seventeenth Amendments thereto.

7. Under Louisiana law, registration is, and has been since at least 1898, a prerequisite to voting in any election. In 42 of the 64 parishes registration is permanent.

8. Each parish in Louisiana has a registrar of voters who is an appointed official and an agent of the defendant State. All registrars of voters in the State of Louisiana since at least 1898 have been white citizens. Under Louisiana law registrars of voters determine whether each applicant for registration is qualified to vote.

9. Prior to the adoption of the Louisiana Constitution of 1898 approximately 44 percent of the registered voters in Louisiana were Negroes. The Constitution of 1898 established literacy and property requirements as conditions prerequisite to voting but exempted from these requirements all persons who were entitled to vote on or before January 1, 1867, and their sons and grandsons. This exemption is hereafter referred to as the "grandfather clause."

10. Under the operation of the "grandfather clause" white political supremacy became a fact in Louisiana. In 1910 only six-tenths of one percent of the registered voters in Louisiana were Negroes.

11. The Louisiana Constitution of 1921 replaced the "grandfather clause" with an interpretation test, a similar "grandfather clause" having been invalidated under the Fifteenth Amendment by the United States Supreme Court in 1915. Article VIII, Section I of the Louisiana Constitution of 1921 provided that a citizen in Louisiana, otherwise qualified, could register to

vote if he were able to read any clause in the Louisiana Constitution or the Constitution of the United States and give a reasonable interpretation thereof. A citizen unable to read and write could qualify if he were able to understand and give a reasonable interpretation of any section of either Constitution when read to him by the registrar of voters. The purpose of adopting this interpretation test was to provide a means by which the disfranchisement of Negroes could be perpetuated. This test was adopted in a state where the public educational facilities were and are racially segregated.

12. From 1921, when the interpretation test was adopted until 1944, the percentage of registered voters in Louisiana who were Negroes never exceeded one-half of one percent. In 1944 the United States Supreme Court invalidated the practice of excluding Negroes from participation in primary elections. Prior to that time, Negroes were not permitted to vote in Democratic primary elections in Louisiana.

13. During the period from 1944 until March 1956, the percentage of registered voters in Louisiana who were Negroes rose from two-tenths of one percent to approximately fifteen percent. Many registrars of voters in Louisiana did not apply the interpretation test during this period.

14. In 1954, following the decision of the Supreme Court declaring unconstitutional the maintenance by states of racially segregated public schools, the Legislature of Louisiana created a Joint Legislative Committee to study means by which white supremacy and racial segregation could be preserved in Louisiana.

This Committee is hereafter referred to as the Committee on Segregation.

15. The Chairman of the Committee on Segregation, William M. Rainach, was a State Senator from a District, the 27th, which has a large population of Negroes, virtually none of whom are registered to vote. While he was Chairman of the Committee on Segregation, William M. Rainach helped to organize the Association of Citizens Councils of Louisiana, which was incorporated in January 1956, and became president and a member of the Board of Directors of the Association.

16. The purpose of the Association of Citizens Councils of Louisiana was to maintain white political supremacy and racial segregation in Louisiana and to organize local citizens' councils and coordinate their activities to promote these ends. Many such councils were organized in Louisiana.

17. To promote the objectives referred to in the preceding paragraph, the local all-white citizens' councils in at least eleven Louisiana parishes, purporting to act under a procedure authorized by Louisiana law, challenged the registration status and caused the removal from the voter registration rolls of thousands of Negro voters, but virtually no white voters. In these eleven parishes, the total number of white voters increased by 1033, while the total number of Negro voters decreased by 8,158 between March and October 1956.

18. In promoting the purging of Negro voters as described in the preceding paragraph, the Association of Citizens Councils prepared and distributed literature to local citizens' councils, registrars of voters and other

public officials in Louisiana. This literature included a pamphlet entitled "Voter Qualification Laws in Louisiana -- the Key to Victory in the Segregation Struggle" urging, among other things, a strict application of the interpretation test as a means of preserving white political supremacy and racial segregation in Louisiana. A copy of this pamphlet is attached hereto as Appendix A and is incorporated herein.

19. During 1958 and 1959 the Committee on Segregation and the Board of Registration held joint meetings for each of the eight congressional districts of Louisiana. These meetings were attended by public officials or their representatives, including the Committee on Segregation, the Board of Registration, the State Attorney General, registrars of voters, district attorneys, sheriffs, and police jury presidents, as well as by officers and members of the citizens' councils, all of whom were white citizens. The purpose of these meetings was to formulate a program for maintaining white political supremacy and racial segregation in Louisiana. The position taken by these state agencies was that the strict application of the interpretation test was the key to maintaining white political supremacy and racial segregation. The counsel for the Committee on Segregation told those in attendance that the interpretation test is a test of native intelligence, not "book learning", and that, "experience teaches -- that most of our white people have this native intelligence, while most Negroes do not." These state agencies distributed to the persons in attendance at these meetings, including the registrars of voters,

the pamphlet described in the preceding paragraph, and sets of 24 cards containing constitutional provisions to be used in administering the interpretation test. A copy of a set of these test cards is attached as Appendix B and is incorporated herein.

20. The Committee on Segregation also sent letters and other materials to the registrars of voters throughout Louisiana urging the registrars to enforce strictly the interpretation test in order to maintain segregation of the races, stressing that the registrars of voters are on the very front line of the battle to maintain segregation. A copy of one such letter from this Committee to a registrar of voters is attached as Appendix C and is incorporated herein.

21. In late 1956 in certain Louisiana parishes, particularly those in which most of the Negro voters were purged from the registration rolls, the registrars of voters began to require applicants for registration and re-registration to pass the interpretation test. In these parishes, white voters who, with almost no exceptions, had not been purged, were not subjected to the interpretation test. In the eleven parishes referred to in paragraph 17, from October 1956 until December 1960, the number of white voters in these parishes increased by 3264, while the number of Negro voters decreased by 2205.

22. In some of the parishes of Louisiana, including the four largest, the interpretation test has not been applied as a qualification for voter registration. The interpretation test has been applied in at least twelve parishes. Negro citizens in these parishes have been denied registration to vote on the ground that they did not interpret constitutional

sections to the satisfaction of the registrars. In these twelve parishes less than five per cent of the Negroes of voting age were registered to vote as of December 31, 1960. Throughout the rest of the State, over 35 per cent of the Negroes of voting age were registered to vote as of that date.

23. In November, 1960, the voters of Louisiana approved an amendment to Article VIII of the Louisiana Constitution which, among other things, changed the interpretation test to require as a qualification for voting that an applicant for registration be able to understand and give a reasonable interpretation of any section of either Constitution. The amendment also requires applicants to read and to write from dictation any portion of the preamble to the Constitution of the United States. The amendment was proposed by the Louisiana Legislature as one of several measures to preserve racial segregation in Louisiana.

24. Pursuant to its authority to prescribe rules and regulations governing the method of administration of the voter registration laws and procedures and to ^{the Board of Registration,} supervise parish registrars of voters, in October 1961, in cooperation with the Committee on Segregation and the State Sovereignty Commission, promulgated a resolution requiring all registrars of voters in the State of Louisiana to enforce strictly the interpretation test.

25. The Constitution and laws of Louisiana providing for the interpretation test vest discretion in the registrars of voters to determine the qualifications of applicants for registration. These constitutional and statutory provisions impose no definite and objective standards upon registrars of voters for the

administration of the interpretation test. No requirement exists that answers given to the interpretation test be in writing or that they be reduced to writing. These provisions enable and require the registrars of voters in Louisiana to determine subjectively:

- (a) The manner in which the interpretation test is to be administered;
- (b) The length and complexity of the sections of the Constitution to be understood and interpreted by applicants;
- (c) What constitutes a reasonable interpretation of any section of the Constitution;
- (d) Whether the applicant's understanding and interpretation are satisfactory.

26. Louisiana registrars of voters, vested with the discretion described in the preceding paragraph, have used, are using, and will continue to use the interpretation test to deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color. The existence of the interpretation test as a voter qualification in Louisiana, the threats of its enforcement and its enforcement have deterred, are deterring and will continue to deter otherwise qualified Negroes in Louisiana from applying for registration to vote.

27. The history of the interpretation test, the setting of white political supremacy and racial segregation in which this test was adopted and is enforced, and the discretion which is vested in the registrars of voters in the administration of this test render the interpretation test invalid on its face under 42 U.S.C.

1971(a) and the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

28. The Louisiana Constitution is in excess of 500 printed pages. Its provisions vary widely in subject matter and complexity to include such matters as the requirement that the English language be used in public schools (Art. XII, Sec. 12) and the application of certain debt taxes and water and sewer taxes to the liquidation of certain bonded debt obligations incurred by the City of New Orleans for public improvements (Art. XIV, Sec. 24). Interpretations of certain provisions of the Louisiana Constitution and the Constitution of the United States have differed widely even among those learned in the law.

29. There is no rational or reasonable basis for requiring, as a prerequisite to voting, that a prospective elector otherwise qualified be able to interpret certain sections of the Louisiana Constitution.

30. The defendants, unless restrained by order of this Court, will continue to require and permit registrars of voters to use the interpretation test as a qualification for registration for voting.

WHEREFORE, plaintiff prays that, pursuant to the provisions of 28 U.S.C. 2281, a District Court of three judges be convened in accordance with the procedures set forth in 28 U.S.C. 2284, and that said Court:

1. Adjudge, declare and decree that the provisions of Article VIII, Section 1 of the Louisiana Constitution and the laws of Louisiana, insofar as they pertain to the interpretation test, are invalid and in violation of the Fourteenth and Fifteenth Amendments to the Constitution of the United States;

2. Issue a preliminary and permanent injunction enjoining the defendants, their agents, employees, and

successors, and all persons in active concert and participation with them having actual notice of the Court's decree, from:

(a) Enforcing and giving any further effect to the requirements of Article VIII, Section 1 of the Louisiana Constitution, and of the statutes implementing Article VIII, Section 1, insofar as they pertain to the interpretation test as a prerequisite to voting.

(b) Engaging in any act which would deprive any citizen in the State of Louisiana of the right to register and the right to vote without distinction of race or color.

(c) Engaging in any acts which would delay, prevent, hinder, or discourage Negro citizens, on account of their race or color from applying for registration and becoming registered voters in the State of Louisiana.

3. Order the defendants to direct the Registrars of Voters in Louisiana to cease using the interpretation tests as a voter qualification.

4. Issue all such additional orders which will insure the fair, equal, and non-discriminatory

administration of registration procedures in the State
of Louisiana.

5. Grant such additional relief as justice may
require, together with the costs and disbursements
of this action.

BURKE MARSHALL
Assistant Attorney General

KATHLEEN RUDDELL
United States Attorney

JOHN DOAR, Attorney
Department of Justice

Plan Cing

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA, :

Plaintiff, :

vs. :

CIVIL ACTION NO. 2548

STATE OF LOUISIANA: JIMMIE :
H. DAVIS, C. C. AYCOCK, :
J. THOMAS JEWEL, AS MEMBERS :
OF THE BOARD OF REGISTRATION :
OF THE STATE OF LOUISIANA: :
AND HUGH E. CUTLER, JR., :
DIRECTOR AND EX OFFICIO :
SECRETARY OF THE BOARD OF :
REGISTRATION OF THE STATE :
OF LOUISIANA, :

Defendants. :

72-32-66

12	DEPARTMENT OF JUSTICE	RECEIVED
	APR 12 1962	
	RECORDS BRANCH	
	CIV. RIGHTS	

MOTION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS Vet & Elect. Sec.

NOW LEO COURT comes the State of Louisiana, Jimmie H. Davis, C. C. Aycock, J. Thomas Jewel, Hugh E. Cutler, Jr., through Jack P. F. Crenillion, Attorney General of the State of Louisiana and other undersigned counsel, appearing herein solely for the purpose of this Motion with respect show:

1.

That defendants had filed a Motion to Dismiss in this cause.

2.

That on March 2, 1962 this Honorable Court served notice that said Motion to Dismiss would be heard on March 19, 1962.

3.

That on Friday, March 16, 1962, plaintiff filed an amended complaint in these proceedings.

4.

That defendants are entitled to additional time in which to appear to urge any and all exceptions, objections, motions or pleading including objections and exceptions to jurisdiction and venue under the rules of this Honorable Court.

5.

That your appearers cannot properly appear and plead to said amended complaint and are entitled to the delays provided for by the rules.

WHEREFORE, the appearers pray that after due consideration hereof this Motion for a cancellation of assignment of argument on the Motion to Dismiss which has been set for hearing on March 19, 1962 be continued until defendants have had time to reconsider the amended complaint and file any exceptions, objections, motions or pleading thereto.

Appearers further pray for all orders necessary for general and equitable relief.

JACK P. F. CERMILLION
ATTORNEY GENERAL OF LOUISIANA

CARROLL BUCK
FIRST ASSISTANT ATTORNEY GENERAL

HARRY J. KRON, JR.
ASSISTANT ATTORNEY GENERAL

HENRY ROBERTS
ASSISTANT ATTORNEY GENERAL

MELDON COUSINS
ASSISTANT ATTORNEY GENERAL

JOHN JACKSON
ASSISTANT ATTORNEY GENERAL

BY:

HARRY J. KRON, JR.
Assistant Attorney General

ORDER

Premises considered, it is hereby ordered that the appearers named in the foregoing Motion be granted a continuance of the hearing on the Motion to Dismiss filed by said defendants herein, and that said hearing set by this Court for March 19, 1962, be and the same is hereby cancelled and continued until the further order of this Court.

Baton Rouge, Louisiana, March 19, 1962.

UNITED STATES DISTRICT JUDGE

CERTIFICATE

I hereby certify that a copy of the foregoing motion and order has been mailed to the Honorable Burke Marshall, Assistant Attorney General, United States of America, Honorable John Doar, Department of Justice, Washington, D. C. and Miss Kathleen Ruddell, United States Attorney, at their proper address by United States mail postage pre-paid.

Baton Rouge, Louisiana this 19th day of March, 1962.

HARRY J. KEON, JR.
Assistant Attorney General

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

EASTERN DISTRICT OF LOUISIANA

#9416

UNITED STATES OF AMERICA

versus

STATE OF LOUISIANA, et al

Civil Action No. 2548
(Baton Rouge Division)

DOCKETED

APR 10 1962

TAKE NOTICE THAT the Motion of the Defendant TO DISMISS, will
be heard on APRIL 24th, 1962 (Tuesday) at 10:00 AM. in the
United States District Court Room in the Post Office Building
in the City of NEW ORLEANS, Louisiana.

A. Dallam O'Brien, Jr., Clerk

by


W. O. Scudder
Deputy Clerk

72-32-66	
4	APR 6 1962
Vol. & Elect. Sec.	

C E R T I F I C A T E

I hereby certify that a copy of the foregoing Motion has been mailed to the Honorable Burke Marshall, Assistant Attorney General, United States of America, Washington, D. C., Honorable John Doar, Department of Justice, Washington, D. C. and Miss Kathleen Ruddall, United States Attorney, at their proper address by United States mail postage pre-paid.

Baton Rouge, Louisiana, this 23rd day of May, 1962.


HARRY J. KHON, JR.
Assistant Attorney General

4.

The names of the parishes of Louisiana referred to in Allegation 22 of the complaint in which it is alleged that "Negro citizens in these parishes have been denied registration to vote on the ground that they did not interpret constitutional sections to the satisfaction of the registrars." (Emphasis supplied)

5.

The names of the Louisiana registrars of voters referred to in Allegation 26 of the complaint who are alleged therein to "have used, are using, and will continue to use the interpretation test to deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color."

The ground of this Motion is that plaintiff's complaint is so vague or ambiguous in respect to the above matters that defendants cannot reasonably be required to frame an answer thereto.

JACK P. F. GERRILLION
Attorney General, State of Louisiana

M. E. CULLINAN
Assistant Attorney General

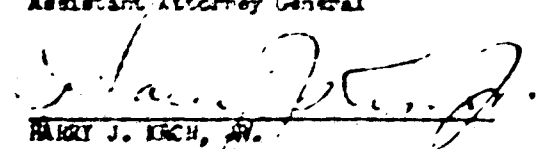
JOHN A. JACKSON
Assistant Attorney General

DOROTHY WOLFE
Assistant Attorney General

MELDON A. COMBES
Assistant Attorney General

WILLIAM P. SCHULER
Assistant Attorney General

HARRY J. ROBERTS, JR.
Assistant Attorney General


HARRY J. KOCH, JR.
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA

BATON ROUGE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

VS.

CIVIL ACTION NO. 2548

STATE OF LOUISIANA; JIMMIE
H. DAVIS, C. C. AYCOCK,
J. THOMAS JEWEL, AS MEMBERS
OF THE BOARD OF REGISTRATION
OF THE STATE OF LOUISIANA;
AND HUGH E. CUTRER, JR.,
DIRECTOR AND EX OFFICIO
SECRETARY OF THE BOARD OF
REGISTRATION OF THE STATE OF
LOUISIANA

Defendants.

MOTION FOR MORE DEFINITE
STATEMENT

Defendants, State of Louisiana, Jimmie H. Davis,
C. C. Aycock, J. Thomas Jewel, Hugh E. Cutrer, Jr., through
Jack P. F. Graillon, Attorney General of the State of Louisiana
and other undersigned counsel, move the Court for an Order directing
plaintiff to file a more definite statement of the following matters:

1.

The names of the eleven parishes referred to in
Allegation 17 of the complaint.

2.

The names of the public officials or their representatives
and the place and date of the meetings in the eight congressional
districts of Louisiana referred to in Allegation 19 of the complaint.

3.

The names of "certain Louisiana parishes" referred to as
requiring applicants for registration and re-registration to pass the
interpretation test in Allegation 21 of the complaint.

DOROTHY WOLBRETT
Assistant Attorney General

WELDON A. COUSINS
Assistant Attorney General

WILLIAM P. SCHULZ
Assistant Attorney General

HENRY J. ROBERTS, JR.
Assistant Attorney General

HARRY J. KRON, JR.
Assistant Attorney General

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

VS.

CIVIL ACTION NO. 2548

STATE OF LOUISIANA; JIMMIE
H. DAVIS, C. C. AYCOCK,
J. THOMAS JEWELL, AS MEMBERS
OF THE BOARD OF REGISTRATION
OF THE STATE OF LOUISIANA;
AND HUGH E. CUTNER, JR.,
DIRECTOR AND EX OFFICIO
SECRETARY OF THE BOARD OF
REGISTRATION OF THE STATE OF
LOUISIANA,
Defendants.

NOTICE

TO: The United States of America, Plaintiff,
and to its Attorneys of Record:

Honorable Burke Marshall
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

Honorable John Doar, Attorney
Civil Rights Division
Department of Justice
Washington, D. C.

Miss Kathleen Russell
United States Attorney
Eastern District of Louisiana
New Orleans, Louisiana

PLEASE TAKE NOTE that the Motion for More Definite Statement,
copies of which are attached, has been this date filed in the above
numbered and entitled cause, and will be brought on for hearing in the
Court Room of the United States District Court, Eastern District of
Louisiana, in New Orleans, Louisiana, on May 29, 1962, at the hour of
10:00 A. M., or as soon thereafter as possible.

JACK P. F. GHEMILLION
Attorney General, State of Louisiana

M. E. CULLEMAN
Assistant Attorney General

JOHN E. JACKSON
Assistant Attorney General

RECEIVED

JUN 11 1962

U. S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

STATE OF LOUISIANA, ET AL.,)
Defendants.)

CIVIL ACTION NO. 2548

ANSWERS TO INTERROGATORIES

DOCKETED

JUN 11 1962

Pursuant to the agreement of the parties made in open court on May 29, 1962, the defendants' motion for a more definite statement is being treated as interrogatories to which the plaintiff makes the following answers:

1. The eleven parishes referred to in paragraph 17 of the Amended Complaint are:

Bienville
Caldwell
De Soto
Grant
Jackson
La Salle
Lincoln
Ouachita
Rapides
Red River
Union

72-32-66	
U. S. DISTRICT COURT	RECEIVED
4 JUN 13 1962	
CIV. RIGHTS DIV.	
VOL. & EXH. 304	

2. Meetings in the eight congressional districts of Louisiana referred to in paragraph 19 of the Amended Complaint:

RECEIVED

JAN 1 1959

A. Places and dates of meetings:

<u>Congressional District</u>	<u>Place</u>	<u>Date</u>
1st and 2nd	New Orleans	2/12/59
3rd	Lafayette	1/29/59
4th	Shreveport	12/1/58
5th	Monroe	1/ 8/59
6th	Baton Rouge	2/11/59
7th	Lake Charles	1/28/59
8th	Alexandria	1/15/59

B. Public Officials and their representatives in Attendance:

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
<u>Joint Legislative Committee on Segregation</u>		
Chairman	Sen. W. W. Akinach	All
Counsel	M. M. Shaw	All
Members	Rep. Carroll L. DuPont	3rd District
	Sen. Louis W. Folse	All but 4th District
	Rep. John S. Garrett	All
	Rep. E. A. Gravelot	1st/2nd, and 4th District
	Sen. W. H. Jones	All
	Rep. L. D. Happer	All but 3th and 6th District
	Sen. B. A. Patton	All
	Rep. Ford Z. Stinson	All but 6th District
Secretary	Mrs. Frances P. Mims	4th and 5th District

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
---------------	-------------	--------------------------

State Board of Registration

Director	Douglas Fowler	All
Secretaries	Mrs. Beatrice A. Harris	All
	Mrs. Kuykendall	6th District

Office of the Attorney General

General	Jack P. P. Grenillion	1st/2nd, 5th and 6th Districts
First Assistant	George Ponder	5th District
Assistants	Edward Carmouche	3rd and 7th Districts
	Ferdinand Cashio	4th District
	Mike Culligan	1st/2nd Districts
	John E. Hunter	8th District
	Joe Kavanaugh	1st/2nd Districts

Registrars of Voters

Acadia	M. J. Judice; Mrs. Marjorie L. Breau (deputy)	7th District
Allen	Mrs. Hazel J. Nixon (deputy)	7th District
Assumption	Mrs. Florian P. Tregre; Mrs. Mattie Picon (deputy)	6th District
Assumption	George L. Rodrique	3rd District
Avogelles	Willie Thevenot	8th District
Beauregard	Mrs. Ursula Burnett	7th District
Bienville	Mrs. A. B. Culpepper	4th District
Bossier	Mrs. Mary E. Bryce	4th District
Caddo	U. Charles Mitchell	4th District

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
<u>Registrars of Voters (continued)</u>		
Calcasieu	Mrs. Lillie M. Cutrer	7th District
Caldwell	Johnnie L. Kelley	5th District
Cameron	Miss Wynona Welch	7th District
Catahoula	Mrs. Mary T. Swaggart	5th District
Glauber	Mrs. L. L. Linton	4th District
De Soto	J. A. M. Slawson	4th District
East Baton Rouge	Jodie A. Smith	4th and 6th District
East Carroll	Mrs. Myrtle Cole Beard; Mrs. Mary M. Read, (deputy)	5th District
East Feliciana	Henry Earl Palmer	6th District
Evangeline	Otis Fontenot	7th District
Franklin	Mrs. W. A. Hutton; Mrs. Boudreaux (deputy)	5th District
Grant	Mrs. Maxine Mosley	8th District
Iberia	Rayford M. Mullins	3rd District
Jackson	Mrs. Estelle Wilder	5th District
Jefferson	Eugene L. Riviere	1st/2nd District
Jefferson Davis	Mrs. Bertha Marcantel	7th District
Lafayette	Arate R. Landrey; Mrs. Corine Mouton (deputy)	3rd District
Lafourche	Severin P. Breaux	3rd District
LaSalle	J. S. Allen	8th District
Lincoln	Mrs. J. A. Jones	5th District
Livingston	Mrs. B. C. Sibley	6th District

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
<u>Registrars of Voters (continued)</u>		
Madison	Miss Katherine Ward	3th District
Morshouse	Mrs. Margaret M. Larche	3th District
Natchitoches	J. S. Adams	8th District
Orleans		
Registrar	Louis Krop, Jr.	1st/2nd and 4th Districts
Deputies	Carl Becker	1st/2nd Districts
	M. J. Brunet	1st/2nd Districts
	Cliff Daigle	" " "
	L. P. Mahenjos	" " "
	George Haupt	" " "
	Owen Kieran	" " "
	Earl Klee	" " "
	Henry Krause	1st/2nd Districts
	Richard J. Moustier	" " "
	A. J. Pellegrini	" " "
	A. V. Perez	" " "
	Edwin J. Rodriguez	1st/2nd and 4th Districts
	L. B. Scharfstein	1st/2nd Districts
	Alton J. Needs	" " "
Ouachita	Mrs. Mae Lucky; Mrs. Mae Morin (deputy)	3th District
Plaquemine	Lionel L. Lauss (deputy)	1st/2nd Districts
Pointe Coupee	Ermit M. Pinsonat	6th District

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
Registrars of Voters (continued)		
Rapides	C. L. Bushnell; Mrs. Daigss (deputy)	4th and 8th Districts 8th District
Red River	J. Walton Crawford	4th District
Richland	Mrs. Lula E. Check	3th District
Sabine	Mrs. Iva McDonald	6th District
St. Bernard	Adam Melerime; Mrs. Inez Vidriens (deputy)	1st/2nd Districts
St. Charles	L. Hubert Madere	1st/2nd Districts
St. Helena	Lesley Meson	6th District
St. James	Sidney A. Gandet	1st/2nd Districts
St. John the Baptist	Angelo F. Nymel	1st/2nd Districts
St. Landry	Miss Ruby C. Ryder	7th District
St. Martin	J. Sylvan Marras	3rd District
St. Mary	Mrs. Nina Pecot Mrs. Ora B. Dresser (deputy)	3rd District 3rd District
St. Tammany	Mrs. Robert L. Smith	6th District
Tangipahoa	Dominick A. Navarra, Jr.	6th District
Tensas	B. W. Berry	3th District
Terrebonne	James A. Millet	3rd District
Union	Woodrow H. Farrar	3th District
Vermilion	Wallace Vincent, Jr.	3rd District
Washington	Curtis M. Thomas	6th District
Webster	Mrs. Winnice J. P. Clement was represented by Attorney John T. Campbell	4th District

<u>Office</u>	<u>Name</u>	<u>Meetings Attended</u>
<u>Registrars of Voters (continued)</u>		
West Baton Rouge	P. J. Besset	6th District
West Carroll	Mrs. Ora Cameron; Mrs. Margaret Crow	3th District
West Feliciana	Thomas M. Thompson	6th District
Winn	Mrs. Mary C. Flournoy	8th District

District Attorneys

<u>Judicial District</u>	<u>Name</u>	<u>Meetings Attended</u>
1st	Edwin L. Blewer	4th
2nd	Fred L. Jackson	4th
3rd	Ragan D. Madden	5th
4th	Albin P. Lassiter	5th
5th	Carey Ellis, Jr.; Edward Lee (Assistant)	5th
6th	Thompson L. Clarke	5th
8th	Sam L. Wells	8th
9th	Joan Pharis	8th
10th	Lester Hughes	8th
14th	Edward Shahan; Fred Selby (Assistant)	7th
15th	Bertrand DeBlanc	3rd
17th	J. Clair Pauset	6th
20th	Richard Kilbourne	6th
21st	Duncan S. Kemp	6th
25th	Leander M. Ponce	1st/2nd
26th	L. M. Paggett, Jr.	4th
31st	Bernard H. Marcantel	7th

Sheriffs

<u>Parish</u>	<u>Name</u>	<u>Meetings Attended</u>
Bienvenue	M. N. Davis; A. B. Culpepper (deputy)	4th
Bossier	W. E. Waggoner	4th
Caddo	J. M. Flournoy	4th
Calcasieu	Mr. Macilly repre- senting Henry A. Koid, Jr.	7th
Claiborne	R. W. Wesson	4th
East Carroll	John W. Gilbert	5th
East Feliciana	Arch V. Doherty	6th
Evangeline	Lee Ancelet repre- senting P. C. Fautenet	7th
Grant	J. Wilson Smith	8th
LaSalle	J. C. Pyle repre- senting D. Floyd	5th
Lincoln	Jesse J. Nise	5th
Madison	C. B. Mester	5th
Orleans	Walter Grant	5th
Pasquines	Chester A. Gooten	1st/2nd
Red River	Erwin Brown	4th
Terrebonne	Reel Tipton(deputy)	8th
Tangipahoa	Thomas I. Tenders	6th
Terrebonne	Able P. Projess; C. P. Renolds(deputy)	3rd
Union	Jud G. Steward	5th
Washington	Bernon A. Crews	6th
Webster	J. D. Hatten; Rev. A. B. Brown(deputy)	4th
Winn	B. S. Jordan	8th

Police Jury Presidents

<u>Parish</u>	<u>Name</u>	<u>Meetings Attended</u>
Acadie	Marcus Kirk representing M. W. Scanlon	7th
Bienville	J. W. Poole	4th
Bossier	W. M. Moratz	4th
Cadeo	Charles L. Horne	4th
Calcasieu	A. W. Mount	7th
Claiborne	J. C. English	4th
Concordia	Herman Gibson	5th
De Soto	O. H. Jordan	4th
Evangeline	M. M. Deshotelis representing Dan W. Wilson	7th
Franklin	A. J. Riser	5th
Grant	M. W. Billions (secretary)	4th
Iberville	H. M. Kimball	6th
Lafayette	Cleone Lelanne; Mrs. Lacy (secretary); Dan Mondresux, Wallace Beedle, Luke LeBlanc and Walter Leger (members)	3rd
Lincoln	John A. Mitchell	5th
Madison	W. M. Scott	5th
Morehouse	Ralph Dunn	5th
Natchitoches	Adrian Land(member)	6th
Ouachita	M. W. Montgomery	5th
Pasquimaux	B. C. Marshall	1st/2nd
Red River	Joseph F. Carr representing Ruffin Wilson	4th
St. Mary	Joseph C. Cofala	3rd

Police Jury Presidents

<u>Parish</u>	<u>Name</u>	<u>Meetings Attended</u>
St. Tammany	George A. Nroom	6th
Tangipahoa	L. S. Byers; George N. Alessi (member)	6th
Tensas	E. R. McDonald	5th
Union	A. R. Rogers for Dennis Long	5th
Vermilion	Edgar J. LeBlanc	3rd
Webster	Leland G. Sims	4th
West Baton Rouge	M. C. Davall	6th
West Carroll	M. E. Philley	5th
Winn	B. E. Leshley	5th

3. Paragraph 21 of the Amended Complaint refers to certain Louisiana parishes in which the registrars of voters began in late 1956 to require applicants for registration and reregistration to pass the interpretation test.

Insofar as is presently known to the plaintiff the test has been in use in the following parishes since the dates given:

Rienville (late 1956)
De Soto (late 1956)
Jackson (late 1956)
La Salle (mid 1956)
Ouachita (mid 1956)
Vidoutines (1955)
Red River (late 1956)
Union (late 1956)
Webster (January 1957)

4. In paragraph 22 of the Amended Complaint it is alleged that the interpretation test is used in at least 12 parishes and that Negro citizens in these parishes have been denied registration on the ground that they did not interpret constitutional sections to the satisfaction of the registrars. The allegation continues that in these 12 parishes less than 5 percent of the Negroes of voting age were registered as of December 31, 1960. The 12 parishes referred to are:

Bienville
Caldwell
De Soto
East Feliciana
Franklin
Jackson
Morehouse
Ouachita
Plaquemine
Red River
Richland
Webster

5. In paragraph 26 of the Amended Complaint it is alleged that Louisiana registrars of voters have used, are using, and will continue to use the interpretation test to deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color.

The names of the registrars referred to are:

Mrs. Pauline A. Culpepper
Mrs. Lennie L. Linton
Mr. Sidney Wells Lott
Mr. Henry Earl Palmer
Mrs. W. A. Notten

Mrs. Estelle Wilder
Mrs. Margaret M. Lachar
Mrs. One Lucky
Miss Mary Ethel Fox
Mr. Joseph Walton Crawford
Mr. Quinlan Crouch
Mrs. Winnie J. P. Clement

DAVID L. BROWN
Attorney
Department of Justice

DISTRICT OF)
COLUMBIA)

Before me, the undersigned Notary Public, personally came and appeared DAVID L. NORMAN, Attorney United States Department of Justice, who being by me first duly sworn, did depose and say:

That he is the person who has signed the above and foregoing answers to interrogatories in his capacity as Attorney for the United States Department of Justice and that the answers given over his signature are true and correct to the best of his knowledge and belief.

DAVID L. NORMAN

Sworn to and subscribed before
me this day of ,
1962.

Notary Public

CERTIFICATE OF SERVICE

I certify that I served two copies of the attached
Answers to Interrogatories upon Honorable Jack P. F.
Grenillion, Attorney General of the State of Louisiana,
by mailing said copies addressed to him at the office
of the Attorney General of the State of Louisiana,
Baton Rouge, Louisiana, this the 9th day of June, 1962.

DAVID L. NORMAN
Attorney
U. S. Department of Justice

Pleading

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

MINUTE ENTRY:

JUNE 7, 1962

John Minor Wisdom, Judge

Herbert W. Christenberry, Judge

E. Gordon West, Judge

UNITED STATES OF AMERICA,

Plaintiff

VERSUS

STATE OF LOUISIANA, JIMMIE H. DAVIS,
C. C. AYCOCK, J. THOMAS JEWELL,
As Members of the Board of Registration
of the State of Louisiana; and HUGH E.
CUTLER, JR., Director and Ex-Officio
Secretary of the Board of Registration
of the State of Louisiana,

Defendants

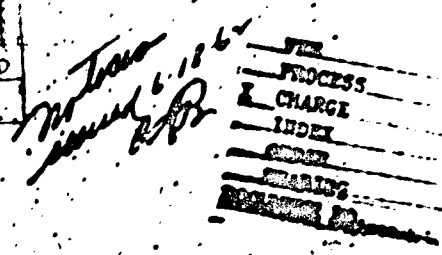
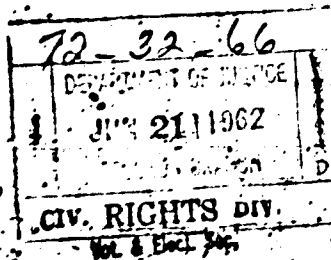
CIVIL ACTION

FILE NO. 2548

BATON ROUGE DIVISION

This matter came on for hearing on a former day on the motion of defendants to dismiss. Due consideration having been given to the pleadings, the oral argument of counsel, and the briefs filed by counsel for respective parties herein:

IT IS ORDERED that the defendants' motion to dismiss be, and the same is hereby DENIED.



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA, :
Plaintiff, :

VS. :

CIVIL ACTION NO. 2548

STATE OF LOUISIANA; JIMMIE :
H. DAVIS, C. C. AYCOCK, :
J. THOMAS JEWEL, AS MEMBERS :
OF THE BOARD OF REGISTRATION :
OF THE STATE OF LOUISIANA; :
AND HUGH E. CUTRER, JR., :
DIRECTOR AND EX-OFFICIO :
SECRETARY OF THE BOARD OF :
REGISTRATION OF THE STATE :
OF LOUISIANA, :
Defendants. :

ANSWER

NOW INTO COURT, through undersigned counsel, comes
Jimmie H. Davis, C. C. Aycock, J. Thomas Jewel, as members of the
Board of Registration of the State of Louisiana, and Hugh E. Cutrer, Jr.,
Director and Ex-Officio Secretary of the Board of Registration of the
State of Louisiana, sought to be made defendants herein, who for answer
to plaintiff's complaint with respect show and aver that:

1.

Paragraph 1 is denied.

2.

Paragraph 2 is denied.

3.

Paragraph 3 is admitted.

4.

Paragraph 4 is admitted.

FILE
END

5.

The contents of Paragraph 5 are a review of Article VIII, Section 18 of the Constitution of Louisiana, and LSA-R.S. 18:191 and said constitutional provision and statute providing for the authority and duties of the Board of Registration and its Director speak for themselves, and therefore no answer to this allegation is required of defendants.

6.

Paragraph 6 is admitted.

7.

Paragraph 7 is admitted.

8.

Defendants admit that each parish in Louisiana has a Registrar of Voters who is an appointed official and agent of the defendant State, but for lack of information and knowledge denies that portion of Paragraph 8 which states that since 1898 all Registrars of Voters in the State of Louisiana have been white citizens. Further answering, defendants admit that Registrars of Voters determine whether each applicant for registration is qualified to vote, but this determination is subject to review by the District Court of the parish in which a denial of registration takes place by summary process without cost to the applicant as provided by LSA-R.S. 18:138.

9.

Defendants admit the existence of the "grandfather clause" in the Louisiana Constitution of 1898, but deny that portion of Paragraph 9 of plaintiff's complaint which states that prior to 1898 approximately 44 per cent of the registered voters in Louisiana were Negroes, such denial being based upon a lack of information upon which to justify a belief.

10.

Paragraph 10 is denied.

11.

All of the allegations of Paragraph 11 are admitted, except that portion thereof which states that the purpose of adopting the interpretation test was to provide a means by which the disfranchisement of Negroes could be perpetuated, which said portion of Paragraph 11 is denied.

12.

Paragraph 12 is denied.

13.

Paragraph 13 is admitted.

14.

The act of the Legislature of Louisiana creating a Joint Legislative Committee to study segregation speaks for itself and does not require an answer of the defendants herein; all other portions of said Paragraph with respect thereto being conclusions of the pleader.

15.

Defendants admit that William M. Rainach was a State Senator in the Louisiana Legislature, but for lack of knowledge concerning any of the other facts contained in said Paragraph deny the contents thereof.

16.

For lack of information upon which to justify a belief and/or a conclusion the defendants deny the allegations of Paragraph 16.

17.

Paragraph 17 is denied.

18.

For lack of any information upon which to base an answer, the contents of Paragraph 18 are denied.

19.

Defendants deny in their official capacity any of the facts, statements or conclusions contained in Paragraph 19 of the complaint.

20.

The letters and materials referred to in Paragraph 20 speak for themselves and do not require an answer on the part of your defendants.

21.

The allegations of Paragraph 21 are denied.

22.

Paragraph 22 is denied.

23.

All of the allegations of Paragraph 23 are admitted except that portion thereof which states, "The amendment was proposed by the Louisiana Legislature as one of several measures to preserve racial segregation in Louisiana," which said portion of the allegation is denied.

24.

The resolution referred to in Paragraph 24 speaks for itself and therefore no answer to said allegation is required.

25.

The allegations in Paragraph 25 are admitted, but all of the conclusions contained therein and the authority of the Registrars of Voters to adjudicate the qualifications of applicants for registration are subject to review by a court as provided for by LA-R.S. 18:138.

26.

Paragraph 26 is denied.

27.

Paragraph 27 is denied.

28.

Paragraph 28 is admitted.

29.

Paragraph 29 is denied.

30.

Paragraph 30 is denied.

W H E R E F O R E, defendants pray that this Answer be deemed good and sufficient and after due hearing there be judgment dismissing plaintiff's petition at its cost;

For all orders necessary for general and equitable relief.

JACK P. F. GERMILLION
Attorney General of Louisiana

CARROLL BUCK
First Assistant Attorney General

HENRY ROBERTS
Assistant Attorney General

WILSON COUSINS
Assistant Attorney General

JOHN JACKSON
Assistant Attorney General

BY: HARRY J. KEON, JR.
Assistant Attorney General

CERTIFICATE

I hereby certify that a copy of the foregoing Answer has been mailed to the Honorable Burke Marshall, Assistant Attorney General, United States of America, Washington, D. C., Honorable John Dear, Department of Justice, Washington, D. C., Honorable David L. Horan, Department of Justice, Washington, D. C. and Miss Kathleen Riddell, United States Attorney, at their proper address by United States mail postage pre-paid.

Baton Rouge, Louisiana, this _____ day of July, 1962.

HARRY J. KRON, JR.
Assistant Attorney General
State of Louisiana

*Pleading file
First File No. 1140*

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA
BATON ROUGE DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)

v.)

STATE OF LOUISIANA, ET AL.,)
Defendants.)

CIVIL ACTION NO. 2548

NOTICE OF TAKING DEPOSITIONS

TO: Jack P. F. Gremillion
Attorney General for the
State of Louisiana and
attorney for defendants
in this action

Harry J. Iron, Jr.
Assistant Attorney General
for the State of Louisiana
and attorney for defendants
in this action

PLEASE TAKE NOTICE that the plaintiff will take the
depositions of the hereafter named persons upon oral exam-
ination at the times and places set forth below. Said de-
positions will continue from day-to-day until completed.

<u>Name</u>	<u>Date and Hour</u>	<u>Place</u>
Sidney Vella Platt	9:00 a.m. 8/20/62	DeSoto Parish Courthouse, Bossierfield, La.
Joseph W. Crawford	11:30 a.m. 8/20/62	Red River Parish Courthouse, Coushatta, La.
Pauline A. Cul- pepper	3:30 p.m. 8/20/62	Bienville Parish Courthouse, Arcadia, La.
Winnice J. P. Clement	9:00 a.m. 8/21/62	Webster Parish Courthouse, Minden, La.
Mrs. Lennie L. Linton	11:30 a.m. 8/21/62	Claiborne Parish Courthouse, Homer, La.
Woodrow W. Farrar	3:00 p.m. 8/21/62	Union Parish Courthouse, Farmerville, La.
Margaret M. Larche	9:00 a.m. 8/22/62	Morehouse Parish Courthouse, Bastrop, La.
Mrs. Ora Cameron	11:30 a.m. 8/22/62	West Carroll Parish Courthouse, Oak Grove, La.
Cecil Manning	3:00 p.m. 8/22/62	West Carroll Parish Courthouse, Lake Providence, La.
Mrs. W. A. Hatten	9:00 a.m. 8/23/62	Franklin Parish Courthouse, Winnsboro, La.
Mrs. Lula E. Check	11:30 a.m. 8/23/62	Richland Parish Courthouse, Rayville, La.
Mrs. Mae Lucky	2:30 p.m. 8/23/62	Office of United States Attorney for the Western District of La., P. O. Building, Monroe, La.

<u>Name</u>	<u>Date and Hour</u>	<u>Place</u>
Mrs. Estelle Wilder	9:00 a.m. 8/24/62	Jackson Parish Courthouse, Jonesboro, La.
Mrs. Mary C. Plourney	11:30 a.m. 8/24/62	Winn Parish Courthouse, Winnfield, La.
John S. Allen	2:30 p.m. 8/24/62	LaSalle Parish Courthouse, Jena, La.
Cleighton L. Bushnell	3:30 p.m. 8/24/62	Office of United States Attorney for the Western District of La., P. O. Building, Alexandria, La.
Henry S. Palmer	10:00 a.m. 8/25/62	East Feliciana Parish Courthouse, Clinton, La.
Charles Kilbourne	10:00 a.m. 8/25/62	East Feliciana Parish Courthouse, Clinton, La.
Quintan Crouch	2:30 p.m. 8/25/62	St. Helena Parish Courthouse, Greensburg, La.
Leroy Nelson	2:30 p.m. 8/25/62	St. Helena Parish Courthouse, Greensburg, La.

These depositions will be taken before C. Scott O'Neal or some other person duly qualified to administer oaths. You are invited to attend and cross-examine.

LOUIS LA CROIX
United States Attorney

RICHARD E. NELSON
Department of Justice

CERTIFICATE OF SERVICE

I certify that, on the *31st* day of August 1962,
I served the foregoing notice of taking depositions
on the defendants, by mailing copies thereof, by
United States mail, postage prepaid, to the attorneys
for the defendants, Honorable Jack P. P. Grenillion
and Honorable Harry J. Kren, Jr.

RICHARD L. PARSONS